

OFFICIAL GAZETTE

GOVERNMENT OF GOA



NOTE:— There are two Extraordinary issues to the Official Gazette, Series I No. 35 dated 25-11-93 as follows:

- 1) Extraordinary dated 25-11-93 from pages 571 to 574 regarding Notification from Legislature Secretariat.
- 2) Extraordinary No. 2 dated 29-11-93 from pages 575 to 576, regarding Notification from Law (Legal and Legislative Affairs) Department.

GOVERNMENT OF GOA

Department of Personnel

Notification

1/12/84-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules relating to recruitment to the Group 'C' and 'D' Non-Ministerial, Non-Gazetted posts in the Office of Conservator of Forests, Government of Goa, namely:—

1. Short title, application and commencement:—

(1) These rules may be called the Government of Goa, Conservator of Forests, Group 'C' and 'D', Non-Ministerial, Non-Gazetted posts, Recruitment Rules, 1992.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Number, classification and scales of pay:— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications:— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. Disqualification:— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if, satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax:— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving:— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

G. J. Prabhudesai, Under Secretary (Personnel)

Panaji, 15th April, 1993.

SCHEDULE

Name/ Designa- tion of post	Num- ber of posts	Classi- fication	Scale of Pay	Whether Selection post or non-Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, grades from which promotion/deputation/transfer is to be made	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circum- stances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13

(As proposed by the Department)

Range Forest Officer	38 (1992)	Group 'C' Rs. 1400- Non-Mi- nisterial, -40-1800- subject to vari- ation zetted. depend- dant on work- load.	Rs. 1400- -40-1800- -EB-50- -2300	Selection	18 - 35 years (Relaxable for Govt. servants upto 5 years in accor- dance with the instruc- tions or orders issued by the Govt.).	—	Essential : (1) Bachelor's Degree in Science with two or more of the follow- ing subjects viz. (a) Mathematics (b) Physics (c) Chemistry (d) Botany (e) Zool- ogy (f) Forestry & (g) Agriculture. (2) Height Chest Ex- Girth pansion (full)	Age: No Qls. To the extent indicated in col. 11	Two years	20% by promo- tion failing which by direct recruitment and 80% by direct recruitment.	Promotion: Dy. Range Forest Officer with 5 years regu- lar service in the grade failing which with 8 years regular service in the grade of Dy. Range Forest Officer and Round Forester combined together fail- ing both with 8 years regular service in the grade of Round Fore- ster and	Group 'C' N. A. D. P. C.
							(Male candidate) 163 cms. 79 cms. 5 cms.				ii) Should fulfill the requirements of physical fitness/ Physical test as prescribed for di- rect recruit in col. 7.	
							(Female candidate) 150 cms. 74 cms. 5 cms.				iii) Promotee shall un- dergo in-service training in Rangers Course of two years duration in a recog- nised forest Train- ing College/In- stitute.	
							(3) Walking test of 25 kms. to be completed. in 4 hours.					
							Desirable : Knowledge of Konkani and/or Marathi. **					

****NOTE :**

- Candidates qualified in written test will have to undergo medical examination and candidates medically fit will be qualified for a physical test of 25 kms. walk in 4 hours.
- Selected candidates will be sent for in-service training in Rangers Course of two years duration in the recognised Forest Training College/Institute immediately after selection. Failure in the aforesaid training will debar the candidate to claim retention in service as Range Forest Officer.
- Selected candidates have to give Bond for such amount as the Government may from time to time fix as well as to serve Government for a period of atleast 5 years after completion of training failing which such amount as may be prescribed in the Bond which will include cost of training and other expenditure incurred, if any, by the Government will have to be refunded to the Government.

Officer	subject nisterial, -EB-40- to vari- Non-Ga- ation zetted. depen- dant on work- load.	N. A. Two years	By promotion years	Round Foresters with Group 'C' N. A. 8 years regular service D. P. C. in the grade.
Round Forester	80 Group 'C' Rs. 950- Selection (1992) Non-Mi- -20-1150- subject nisterial, -EB-25- to vari- Non-Ga- -1400- ation zetted. depen- dant on work- load.	35 years (Relaxable for Govt. servants upto 5 years in accor- dance with the instruc- tions or orders issued by the Govt.).	Essential : (1) S. S. C. E. or equivalent. (2) Height Chest Ex- Girth pansion (full) (Male candidate) 163 cms. 79 cms. 5 cms. (Female candidate) 150 cms. 74 cms. 5 cms. (3) Walking test of 25 kms. to be covered in 4 hours. Desirable : Knowledge of Konkani and/or Marathi. **	Age: No Qls: Yes Two years 75% by promo- tion failing which by direct recruitment and 25% by direct recruitment. Promotion: Forest Guards with 5 years regular service in the grade. 1) Promotee shall un- dergo in-service training in Fore- sters course at Fo- rest Training School Valpoi, Goa.
Forest Guard	313 Group 'D' Rs. 775- Selection (1992) Non-Mi- -12-955- subject nisterial, -EB-14- to vari- Non-Ga- -1025- ation zetted. depen- dant on work- load.	35 years (Relaxable for Govt. servants by 5 years in accordance with the instructions issued by the Govt.).	Essential : S. S. C. E. or equivalent. (2) Height Chest Ex- Girth pansion (full) (Male candidate) 163 cms. 79 cms. 5 cms. (Female candidate) 150 cms. 74 cms. 5 cms. Desirable : Knowledge of Konkani and/or Marathi. **	Age: No Qls: Yes Two years 25% by promo- tion failing which by direct recruitment and 75% by direct recruitment. Promotion: Mali / Gardener / Ani- mal Attendant / Kee- per / Chowkidar / Mess servant / Room Bearer / Room Servant / Swee- per / Khansama / Cook / Rubber Tapper with 5 years regular service in the grade. Promotees shall undergo in- service training in Fo- rest Guards Course at Forest Training School, Valpoi, Goa.

**NOTE : (1) Candidates qualified in written test will have to undergo medical examination and candidates medically fit will be qualified for a physical test of 25 kms. walk in 4 hours.
(2) Selected candidates will be sent for in-service training in Foresters' course at Forest Training School Valpoi, Goa immediately after selection. Failure in the aforesaid training will debar them to claim retention in service as Foresters.
(3) Selected candidates will have to give Bond for such amount as the Government may from time to time fix as well as to serve Government for a period of atleast 5 years after completion of training failing which such amount as may be prescribed in the Bond which will include cost of training and other expenditure incurred, if any, by the Government will have to be refunded to the Government.

**NOTE : (1) Selected candidates will be sent for in-service training in Forest Guards' Course at Forest Training School Valpoi, immediately after selection. Failure in the aforesaid training will debar them to claim retention in service as Forest Guard.
(2) Selected candidates have to give Bond for such amount as the Government may from time to time fix as well as to serve Government for a period of at least 5 years after completion of training failing which such amount as may be prescribed in the Bond which will include cost of training and other expenditure incurred, if any, by the Government, will have to be refunded to Government.
(3) Candidates securing 75 per cent marks and above and standing first in the Forest Guards' Training Course will be considered for the post of Forester against direct quota provided they put in 5 years of service as Forest Guard.

LEGISLATURE SECRETARIAT

Notification

LA/A/4425/93

In pursuance of Rule 269 of the Rules of Procedure and Conduct of Business of Goa Legislative Assembly the following documents which were laid on the Table of the House of Goa Legislative Assembly on 23rd November, 1993 are declared to be published for general information.

1. Finance Accounts, 1991-92;
2. Appropriation Accounts, 1991-92; and
3. Report of the Comptroller and Auditor General of India for the year ended 31st March, 1992 Government of Goa.

Secretariat,
Panaji,
24th November, 1993.

ASHOK B. ULMAN
Secretary, Legislature

Notification

LA/B/4444/1993

The following Bill which was introduced in the Legislative Assembly of Goa on 23-11-93 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 25th November, 1993.

The Goa Public Gambling (Amendment) Bill, 1993

(Bill No. 34 of 1993)

A

BILL

further to amend the Goa, Daman and Diu Public Gambling Act, 1976.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Gambling (Amendment) Act, 1993.

(2) It shall be deemed to have come into force with effect from 17-9-1993.

2. *Amendment of section 4.*— In sub-section (1) of section 4 of the Goa, Daman and Diu Public Gambling Act, 1976 (Act 14 of 1976) (hereinafter referred to as the "principal Act"),—

- (i) in clause (a), for the words "two hundred rupees", the words "two thousand rupees" shall be substituted;
- (ii) in clause (b), for the words "three hundred rupees", the words "three thousand rupees" shall be substituted; and

(iii) in clause (c), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

3. *Amendment of section 11.*— In sub-section (2) of section 11 of the principal Act, for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

4. *Repeal and Saving.*— (1) The Goa Public Gambling (Amendment) Ordinance, 1993 (Ordinance No. 3 of 1993) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

Statement of Objects and Reasons

The Goa, Daman and Diu Public Gambling Act, 1976 is proposed to be amended in view of the fact that section 11 of the Act under which most of the cases are booked envisages penalty of imprisonment which may extend to three months and also with fine which may extend to Rs. 500/- Similarly, penalty under section 4 of this Act for gaming in common gaming house provides minimum punishment for the first, the second and the third or subsequent offences by imprisonment which shall not be less than one month and fine which shall not be less than Rs. 200/-, imprisonment which shall not be less than three months and fine which shall not be less than Rs. 300/- and imprisonment which shall not be less than six months and fine which shall not be less than Rs. 500/- respectively.

However, from the punishment awarded in cases which have ended in conviction in the past, it is clear that in almost every case, only fine is imposed which does not serve as deterrent to curb this menace.

In view of the above, it is felt necessary to amend section 11 of the Act so as to increase the fine to Rs. 2000/- for the first offence. Similarly, section 4 of the Act is proposed to be amended so as to increase the fine to Rs. 2000/- for first offence, Rs. 3000/- for the second offence and Rs. 5000/- for third or subsequent offences.

The Bill also seeks to repeal the Goa Public Gambling (Amendment) Ordinance, 1993 (Ordinance No. 3 of 1993) which was promulgated by the Governor of Goa on 17-9-1993.

Financial Memorandum

No financial implications are involved in this Bill. In fact, this Amendment will provide additional revenue to Government.

Panaji,
9th November, 1993.

WILFRED D'SOUZA

Chief Minister

Assembly Hall,
Panaji,
16th November, 1993.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 34 of 1993)

The Goa, Public Gambling (Amendment) Bill, 1993.

The Goa, Daman and Diu Public Gambling Bill, 1976
Act No. 14 of 1976

4. *Punishment for gaming in common gaming-houses.*—(1) Whosoever is found in any common gaming-house gaming or present for the purpose of gaming shall be punishable with imprisonment for a term which may extend to one year and also with fine which may extend to one thousand rupees:

Provided that—

(a) for the first offence, such imprisonment shall not be less than one month and the fine shall not be less than two hundred rupees;

(b) for the second offence, such imprisonment shall not be less than three months and the fine shall not be less than three hundred rupees, and

(c) for the third or subsequent offence, such imprisonment shall not be less than six months and the fine shall not be less than five hundred rupees.

(2) Any person found in any common gaming-house during any gaming therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming.

11. *Power to arrest without warrant for gaming and setting birds and animals to fight in public streets.*—(1) A police officer may arrest and search without warrant—

(a) any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game not being a game of mere skill on any public street or thoroughfare or in any place to which the public have or are permitted to have access;

(b) any person setting any birds or animals to fight in any public street or thoroughfare, or in any place to which the public have or are permitted to have access;

(c) any person present there aiding or abetting such public fighting of birds and animals.

(2) Any person arrested under sub-section (1) shall be punishable with imprisonment which may extend to three months and also with fine which may extend to five hundred rupees and where such gaming consists of wagering or betting or of any such transaction as is referred to in sub-clause (b) of clause (2) of section 2, such person shall be punishable to the extent specified in section 4 and all moneys found with such persons shall be forfeited.

(3) Any such police officer may seize all birds and animals and things reasonably suspected to be instruments of gaming found in such public street, thoroughfare, place or on or about the person of those whom he shall so arrest and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed and such birds and animals to be sold and the proceeds forfeited.

(4) When anything has been found on or about any person and the Magistrate is satisfied that the police officer has reasonable grounds for suspecting that such a thing was an instrument of gaming, such circumstances shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.

Assembly Hall,
Panaji,
16th November, 1993.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

Notification

LA/B/4445/1993

The following Bill which was introduced in the Legislative Assembly of Goa on 24-11-93 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 25th November, 1993.

The Goa Municipalities (Amendment) Bill, 1993

(Bill No. 35 of 1993)

A

BILL

further to amend the Goa, Daman and Diu Municipalities Act, 1969.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Municipalities (Amendment) Act, 1993.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In section 1 and in any other section of the Goa, Daman and Diu Municipalities Act, 1969 (Act 7 of 1969) (hereinafter referred to as the 'principal Act'),—

(i) in the long and short title, the figure and words, "Daman and Diu" wherever they occur, shall be omitted;

(ii) for the words "Union territory of Goa, Daman and Diu" or "Union Territory", wherever they occur, the words "State of Goa" shall be substituted.

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) after clause (5), the following shall be inserted, namely:—

"(5a) "Chairperson" and "Vice-Chairperson" means Chairperson and Vice-Chairperson of the Council as the case may be;";

(ii) for clause (7), the following shall be substituted, namely:—

"(7) "Collector" means the Collector of North Goa District and that of South Goa Districts;"

(iii) after clause (10), the following shall be inserted, namely:—

"(10a) "Development Committee" means the Development Committee constituted under section 322B;"

(iv) after clause (11), the following shall be inserted, namely:—

“(11a) ‘District’ means a district in the State of Goa;”;

(v) clause (39) shall be omitted.

(vi) after clause (51), the following shall be inserted, namely:—

“(51a) “State” means the State of Goa;”;

(vii) clause (54) shall be omitted;

(viii) after clause (55), the following clause shall be inserted, namely:—

“(55a) “ward” means the territorial constituency of the municipal area.”.

4. Amendment of section 3.—In section 3 of the principal Act,—

(i) in sub-section (3), for the words “Collector of District”, the word “Director” shall be substituted;

(ii) in sub-section (4), for the word “Collector”, the word “Director” shall be substituted.

5. Amendment of section 7.—In section 7 of the principal Act,—

(i) in clause (b) or in any other section, for the word “President” wherever it occurs, the word “Chairperson” shall be substituted;

(ii) after clause (e), the following shall be inserted, namely:—

“(f) the Municipal Engineer.”.

6. Amendment of section 9.—In section 9 of the principal Act,—

(i) for sub-section (1), the following shall be substituted, namely:—

“(1) Save as otherwise provided by this Act, every Council shall consist of Councillors and Chairperson directly elected at ward elections; and shall also include Councillors co-opted by the elected Councillors in the prescribed manner, from amongst persons who are entitled to vote at the municipal election and who,—

(i) have special knowledge and experience in municipal administration;

(ii) are members of the House of the People and the members of the Legislative Assembly of Goa representing the constituencies which comprise wholly or partly the municipal area concerned;

(iii) are members of the Council of States and are registered as electors within the municipal area:

Provided that the persons referred to in clause (i) shall not have the right to vote in the meetings of the Council:

Provided further that—

(i) in every Council, not less than one third seats shall be reserved for women;

(ii) in every Council, seats shall also be reserved for the Scheduled Castes and the Scheduled Tribes and for women belonging

to the Scheduled Castes or as the case may be, the Scheduled Tribes as provided in sub-section (2);

(iii) the total number of co-opted Councillors shall not exceed ten percent of the number of elected Councillors fixed under sub-section (2), and in determining such number, a fraction shall be ignored;

(ii) in sub-section (2),—

(a) in item (ii) of clause (a), for the words and figures “above 10,000”, the words and figures “above 15,000” shall be substituted;

(b) for clause (b), the following shall be substituted, namely:—

“(b) the number of seats, if any, to be reserved for the Scheduled Castes or the Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one-third of such seats shall be reserved for women and such seats shall be allotted by rotation to different constituencies in a municipal area.

(c) the number of seats for the office of Chairperson in the Council for Scheduled Castes, the Scheduled Tribes and women so that such number will bear as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Council.”.

7. Amendment of section 10.—In sub-section (1) of section 10 of the principal Act, after the words and figure “in which seats are reserved for Scheduled Castes or Scheduled Tribes”, and before the words “having regard to the concentration of population”, the words and figure “including the seats for offices of Chairperson,” shall be inserted.

8. Insertion of new section 10A.—After section 10 of the principal Act, the following shall be inserted, namely:—

“10A. Election to the Councils.—The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Council shall be vested in the State Election Commission constituted under section 238 of the Goa Panchayat Raj Act, 1993.”.

9. Amendment of section 11.—In section 11 of the principal Act,—

(i) in sub-section (1),—

(a) for the word “Director” wherever it occurs, the words “State Election Commission” shall be substituted;

(b) after the words “shall be divided”, the words “by such officers of the Council or the Government as may be designated by the Director in this behalf” shall be omitted;

(ii) in sub-section (3), for the word "Council", the words "State Election Commission" shall be substituted.

10. *Amendment of section 15.* — In section 15 of the principal Act, for the words "twenty five", the words "twenty one" shall be substituted.

11. *Amendment of section 16.* — In section 16 of the principal Act, —

(i) in sub-section (1), —

(a) clause (a) shall be omitted;

(b) in clause (c), for the figures "46", the figures "47" shall be substituted;

(c) in clause (j), for the figures "145", the figures "147" shall be substituted;

(d) clause (l) shall be omitted;

(ii) in sub-section (2), —

(a) in clause (e), for the words "two thousand rupees" and "ten thousand rupees", the words "ten thousand rupees" and "one lakh rupees" shall respectively be substituted;

(b) in clause (f), for the words "two hundred rupees" and "one thousand rupees", the words "two thousand rupees" and "ten thousand rupees" shall respectively be substituted.

12. *Amendment of section 17.* — In section 17 of the principal Act, —

(i) after the words "it shall be referred", the words "in such manner as may be prescribed" shall be inserted;

(ii) for the words "for decision", the words "who shall decide the question within six months from the date of its receipt by him" shall be substituted;

(iii) in the proviso, for the figure and words "7 days", the figure and words "30 days" shall be substituted.

13. *Amendment of section 19.* — In section 19 of the principal Act, —

(i) for sub-section (1), the following shall be substituted, namely: —

"(1) If, at a general election or bye-election, no councillor is elected from the ward, a fresh election shall be held to elect a councillor from that ward.";

(ii) sub-section (2) shall be omitted.

14. *Amendment of section 20.* — In section 20 of the principal Act, —

(i) in sub-sections (1) and (4), for the word "Collector", wherever it occurs, the words "State Election Commission" shall be substituted;

(ii) in sub-section (2), for the word "Director", the words "State Election Commission" shall be substituted;

(iii) in sub-section (5), after the words "remaining ward or wards", the words "within a period of six months from the date of making of such choice" shall be substituted.

15. *Amendment of section 21.* — In section 21 of the principal Act, —

(i) in sub-section (1), for the word "Collector", the words "State Election Commission" shall be substituted;

(ii) sub-section (2) shall be omitted.

16. *Amendment of section 22.* — In section 22 of the principal Act, —

(i) in sub-section (1), for the words "co-option or nomination", the words "or co-option" shall be substituted;

(ii) in sub-section (2), for the words "co-option or nomination", the words "or co-option" shall be substituted;

(iii) in clause (e) of sub-section (3), —

(a) the words "or nomination" shall be omitted;

(b) the words "or nominated" shall be omitted;

(iv) in clause (d) of sub-section (4), —

(a) the words "or nominated" shall be omitted; and

(b) the words "or the Government who nominated the Councillor, as the case may be" shall be omitted.

17. *Amendment of section 35.* — In section 35 of the principal Act, for the word "Collector", the words "State Election Commission" shall be substituted.

18. *Amendment of section 36.* — In sub-section (1) of section 36 of the principal Act, for the word "Collector" wherever it occurs, the words "State Election Commission" shall be substituted.

19. *Amendment of section 42.* — In section 42 of the principal Act, —

(i) for sub-section (1), the following shall be substituted, namely: —

"(1) The Councillors elected at a general election, shall hold office for a term of five years.";

(ii) in sub-section (2), the words "held to elect the President and the Vice-President under section 52" shall be omitted;

(iii) sub-section (6) shall be omitted;

20. *Amendment of section 43.* — For section 43 of the principal Act, the following shall be substituted, namely: —

"43. *Resignation of Councillors.* — A Councillor may resign his office in writing under his hand addressed to the Chairperson and his seat shall become vacant on the expiry of seven days from the date of receipt of such resignation, unless within the said period of seven days he withdraws his resignation by writing under his hand addressed to the Chairperson.".

21. *Amendment of section 46.* — In section 46 of the principal Act, —

(i) in sub-section (2), for the words "co-opted or nominated", the words "or co-opted" shall be substituted;

(ii) for the word "Collector", the word "Director" shall be substituted;

(iii) in the Explanation, —

(a) for the figure and words, "co-opted or nominated" wherever they occur, the words "or co-opted" shall be substituted;

(b) for the figure and words "co-option or nomination", the words "or co-option" shall be substituted;

22. *Amendment of section 50.* — In sub-section (1) of section 50 of the principal Act, —

(i) for the figure and words "co-opted or nominated", the words "or co-opted" shall be substituted;

(ii) the words "or nomination" wherever they occur, shall be omitted;

(iii) the words "or nominated" shall be omitted.

23. *Amendment of section 51.* — In sub-section (5) of section 51 of the principal Act, —

(i) for the figures "XXXIV", the figures "XXV" shall be substituted;

(ii) for figure "1898", the figures and words "1973 (Central Act 2 of 1974)" shall be substituted; and

(iii) the words and figures "V of 1898" shall be omitted.

24. *Amendment of section 52.* — In section 52 of the principal Act, —

(i) in the heading, the words "Election of" shall be omitted;

(ii) in sub-section (1), the words "or deemed to be elected" shall be omitted;

(iii) in sub-section (2), —

(a) for the words "twenty-five", the word "ten" shall be substituted;

(b) for the word "Collector", the word "Director" shall be substituted;

(c) for the words "Vice President", the words "Vice Chairperson" shall be substituted;

(iv) in sub-section (3), for the word "Collector", the word "Director" shall be substituted;

(v) in sub-section (4), —

(a) for the words "Vice President", the words "Vice Chairperson" shall be substituted;

(b) for the word "Collector", the word "Director" shall be substituted;

(vi) in sub-section (5) and in any other section, for the words "Vice President" wherever they occur, the words "Vice Chairperson" shall be substituted;

(vii) in sub-section (8), —

(a) for the word "Collector", the word "Director" shall be substituted;

(b) for the words "twenty-five", the word "ten" shall be substituted.

25. *Amendment of section 54.* — For section 54 of the principal Act, the following shall be substituted, namely: —

"54. *Resignation of Chair-person.* — A Chairperson may resign his office by tendering his resignation in writing under his hand addressed to the Director and such resignation shall take effect on the expiry of seven days from the date of receipt of such resignation, unless within the said period of seven days he withdraws his resignation by writing under his hand addressed to the Director."

26. *Amendment of section 56.* — In section 56 of the principal Act, —

(a) in clause (a) of sub-section (2), for the word "Collector", the word "Director" shall be substituted;

(b) in sub-section (4), the proviso shall be omitted.

27. *Amendment of section 57.* — In sub-section (3) of section 57 of the principal Act, for the word "Collector", the word "Director" shall be substituted.

28. *Amendment of section 59.* — In clause (e) of sub-section (1) of section 59 of the principal Act, —

(a) the words "or the Collector" shall be omitted;

(b) the words "the Collector" shall be omitted.

29. *Amendment of section 69.* — For section 69 of the principal Act, the following shall be substituted, namely: —

"69. *Limits of powers of Committees in respect of financial sanction.* — The powers of financial sanctions of the Standing Committee and the Subjects Committees of Councils of different classes of municipal areas shall not exceed the limits indicated in columns 2 and 3 of the table given below: —

Class of municipal area	Limit of financial sanctions in respect of	
	Standing Committee	Subjects Committee
1	2	3
	Rupees	Rupees
A	10 Lakhs	2 Lakhs
B	6 Lakhs	1,20,000
C	4 Lakhs	80,000

30. *Amendment of section 71.* — In sub-section (2) of section 71 of the principal Act, —

(a) the figure and words "and the Collector of each district," shall be omitted;

(b) the words "or the Collector" shall be omitted.

31. *Amendment of section 72.* — In clause (b) of sub-section (5) of section 72 of the principal Act, for the word and figures "Rs. 225/-", the words and figures "Rs. 1650" shall be substituted.

32. *Amendment of section 73.* — In sub-section (2) of section 73 of the principal Act, for the word and figures "Rs. 120/-", wherever they occur, the words and figures "Rs. 1400" shall be substituted.

33. *Amendment of section 76.* — In sub-section (4) of section 76 of the principal Act, for the words and figures "Rs. 120/-", the word and figure "Rs. 1400" shall be substituted.

34. *Amendment of section 85.* — In section 85 of the principal Act, —

(i) in sub-section (1) and in any other sub-sections, for the word "Collector" wherever it occurs, the word "Director" shall be substituted; and

(ii) in sub-section (3), for the word "Deputy", the word "Additional" shall be substituted.

35. *Amendment of section 104.* — In clause (a) of section 104 of the principal Act, for the figures "1939", the figures "1988" shall be substituted.

36. *Insertion of section 142A.* — After section 142 of the principal Act, the following shall be inserted, namely:—

"142A. *Assignment of certain taxes, etc.* — The Government shall, —

(a) assign to the Council, such taxes, duties, tolls and fees levied and collected by the Government for such purposes and subject to such conditions and limits as may be prescribed;

(b) provide for making such grants-in-aid to the Council for the Consolidated Fund of the State as may be determined from time to time by an order published in the Official Gazette.".

37. *Insertion of new section 143A.* — After section 143 of the principal Act, the following shall be inserted, namely:—

"143A. *Finance Commission.* — (1) The Finance Commission as constituted under section 200 of the Goa Panchayat Raj Act, 1993 shall have power to review the financial position of all Councils in the State from the date of commencement of the Goa Municipalities (Amendment) Act, 1993 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Councils and to make recommendation to the Government as to, —

(a) the principles which should govern —

(i) the distribution between the State and the Councils and the net proceeds of the tax, duties, tolls and fees leviable by the Government which may be divided between them and allocation between them of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Councils;

(iii) the grants-in-aid to the Councils from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Council;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Council.

(2) The Finance Commission shall determine its procedure.

(3) The Commission shall have the following powers in the performance of its functions, namely:—

(a) to call for any record from any officer or authority;

(b) to summon any person to give evidence or produce records;

(c) such other power as may be prescribed.

(4) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereof to be laid before the State Legislature.

38. *Insertion of new sections 184F and 184G.* — After section 184E of the principal Act, the following shall be inserted, namely:—

"184F. *Preparation of development plan.* — Every Council shall prepare every year a development plan and submit it to the District Planning Committee constituted under section 184G.

184G. *District Planning Committee.* — (1) The Government shall constitute in every district, a District Planning Committee to consolidate the plans prepared by the Councils in the district as a whole.

(2) The District Planning Committee shall consist of, —

(a) members of the House of the People who represent the whole or part of the district;

(b) the members of the Council of States who are registered as electors in the district;

(c) the Chairman of the Council having jurisdiction over the headquarters of the district;

(d) such number of persons, not less than one-third of the total number of members of the Committee as may be specified by the Government, elected in the prescribed manner from amongst the members of the Councils in the district, in proportion to the ratio between the population of the urban area in the district.

(3) All the members of the State Legislative Assembly whose constituencies lie within the district shall be permanent invitees of the Committee.

(4) The Chief Executive Officer shall be the Secretary of the Committee.

(5) The Chairman of the District Planning Committee shall be chosen in the manner as may be prescribed.

(6) The District Planning Committee shall consolidate the plans prepared by the Councils in the District and prepare a draft development plan for the district as a whole.

(7) Every District Planning Committee shall in preparing the draft development plan,—

(a) have regard to,—

(i) the matters of common interest between the Councils in the district including special planning, sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Government may, by order, specify.

(8) The Chairpersons of every District Planning Committee shall forward the development plan, as recommended by such committee to the Government".

39. *Amendment of section 281.*—In section 281 of the principal Act,—

(i) in sub-section (4),—

(a) for the figure "248", the figure "257" shall be substituted;

(b) for the figure '1898', the figures and words "1973 (Central Act 2 of 1974)" shall be substituted; and

(c) the figures and words "V of 1898" shall be omitted;

(ii) in sub-section (5), for the figure "1898", the figures and words "1973 (Central Act 2 of 1974)" shall be substituted.

40. *Amendment of section 300.*—In section 300 of the principal Act, after sub-section (3), the following proviso shall be inserted, namely:—

"Provided that the Council shall be given a reasonable opportunity of being heard before its dissolution.".

41. *Amendment of section 302.*—In section 302 of the principal Act,—

(i) after the words "shall be re-established" and before the words "on such date", the words "within six months of its dissolution" shall be inserted;

(ii) after section 302, the following shall be inserted, namely:—

"Provided that where the remainder of the period for which the dissolved Council would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Council for such period.".

42. *Insertion of new section.*—After section 302 of the principal Act, the following shall be inserted, namely:—

"302A. Duration of Council constituted upon dissolution.—A Council constituted upon the dissolution of a Council before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Council would have continued during its full term of five years."

43. *Amendment of section 321.*—In clause (b) of sub-section (2) of section 321 of the principal Act,—

(a) for the figure "1898", the figures and words "1973 (Central Act 2 of 1974)" shall be substituted; and

(b) the figures and words "V of 1898" shall be omitted.

44. *Insertion of new sections.*—After section 322 of the principal Act, the following shall be inserted, namely:—

"322A. Powers for preparation of plans, etc.—The Council shall prepare plans for economic development and social justice and perform the functions and implement schemes as may be entrusted to it including those in relation to the matters listed in the X Schedule.

322B. Constitution of Development Committee.—(1) Every Council shall constitute a Development Committee consisting of such number of members not exceeding seven as may be prescribed.

(2) The Committee constituted shall carry out responsibilities as may be prescribed including those in relation to the matters listed in the X Schedule.".

45. *Amendment of section 325.*—In section 325 of the principal Act,—

(i) in clause (d) of sub-section (1), for the words and figure "Goa, Daman and Diu Village Panchayat Regulation, 1962", the words and figure "Goa Panchayat Raj Act, 1993" shall be substituted;

(ii) in sub-section (2),—

(a) in clause (b), after the word and figure "area;", the word "or" shall be inserted;

(b) clause (d) shall be omitted;

(c) the following shall be omitted, namely:—

"(e) a municipal area is split up into two or more municipal areas";

(d) for sub-clause (i), the following shall be substituted, namely:—

"(i) in a case falling under clause (a) or (b), all relevant provisions of this Act shall apply and all rules, bye-laws, orders, notifications, directions issued and in force in the municipal area at the time of inclusion of such area shall apply to the area or areas so included.";

(e) sub-clause (ii) shall be omitted.

(f) sub-clauses (iv) and (v) shall be omitted.

(g) in sub-clause (xii), for figures and letter 'e', the figures and letter 'c' shall be substituted;

(iii) in sub-section (4), —

(a) in clause (a), —

(i) the words "or municipal administrators appointed or" shall be omitted;

(ii) the figures and words "(ii) or (iv)" shall be omitted;

(b) for clause (b), the following shall be substituted, namely: —

"(b) The Councillors of the Council in whose case there is an interim increase in their number, shall, notwithstanding the expiry of the term for which they may have been elected, continue in office for the area concerned, until immediately before the first meeting of the new Council or Councils, as the case may be.";

(c) in clause (c), the words "or Municipal Administrators" shall be omitted.

46. *Omission of section 333.* — Section 333 of the principal Act shall be omitted.

47. *Insertion of Schedule.* — After Schedule IX of the principal Act, the following shall be inserted, namely:—

"SCHEDULE X

(See Section 322A)

1. Urban Planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Roads and bridges.
4. Urban forestry, protection of the environment and promotion of ecological aspects.
5. Slum improvement and upgradation.
6. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
7. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
8. Cattle pounds; prevention of cruelty to animals.
9. Vital statistics including registration of births and deaths.
10. Public amenities including street lighting, parking lots, bus stops and public conveniences.
11. Regulation of slaughter houses and tanneries.".

Statement of Objects and Reasons

The Goa Municipalities (Amendment) Bill, 1993 seeks to amend the Goa, Daman and Diu Municipalities Act, 1969 (Act 7 of 1969) so as to bring it in

conformity with the provisions contained in the Constitution (Seventy-fourth) Amendment Act, 1992.

The Bill seeks to provide for reservation of seats in the elected bodies in favour of Scheduled Castes and Scheduled Tribes in proportion to their population and reservation of one third seats for women at all levels, as also reservation of office of Chairperson at all levels for women and the Scheduled Castes and the Scheduled Tribes. The Bill also envisages constitution of State Election Commission, Finance Commission and District Planning Committee.

Note on Delegated Legislation

Clause 6 of the Bill empowers the Government to frame rules to prescribe the manner in which the elected Councillors have to co-opt the Councillors whereas clause 38 of the Bill empowers the Government to frame rules for the purpose of election to the District Planning Committee. Clause 44 of the Bill empowers the Government to frame rules for the purpose of constitution of Development Committee.

The proposed delegations of powers are of normal character.

Memorandum for Financial Liability Consequent upon the Introduction of the New Municipal Act in the State of Goa

1. The 74th Constitution Amendment Act, 1992 is required to be incorporated in the Municipal Laws of the State, on or before the prescribed date i.e. 1st June, 1994. By a recent decision of the Goa Bench of Bombay High Court, the State Government is required to hold simultaneous elections, as per the 74th Constitution Amendment, on or before 15th May, 1994. The State Government of Goa has taken a decision that elections to all the Councils shall be held, on or before 30th April 1994. Keeping the mandatory time of 2 months for giving notice of elections as per election laws, and the fact that a duly constituted State Election Commission can only hold such an election, it is required that the amended Election Law comes into force in Goa latest by January, 1994. If the State Election Commission and the State Finance Commission are immediately formed and supporting staff and premises are provided to them in the first half of January, 1994, they may be in a position to conduct elections on schedule.

2. The Panchayat Bill already introduced in the Assembly has provided for both the State Election Commission and the State Finance Commission, indicating financial liability in terms of recurring and non-recurring expenses. The said two institutions will be serving the purpose and the objectives of the Municipal Law, as well. The Municipal Laws are being amended by the Law Department in order to update it, as well as to incorporate the provisions of the 74th Constitution Amendment Act.

3. There are proposals for Metropolitan Planning Committee as well as District Planning Committee under the 74th Constitution Amendment Act. A

Metropolitan Planning Committee would be constituted out of the elected body of the Council and drawing their support from the existing staff from the concerned councils. The District Planning Committee will be looking after Integrated Development Planning for the Panchayats as well as the urban local bodies. A separate structure for such a body is shown in Annexure - I. The financial implications are indicated in the said Annexure - I. It may be a matter of policy decision of the State Government, whether to adopt a District Planning Committee each for Goa, over and above the Zilla Parishads for each district.

4. Except for some personnel support for the proposed District Planning Committee, there is no requirement of additional staff for bodies like the Metropolitan Planning Committee, Ward Committee, etc. There is no financial implication for setting up the above mentioned committees.

5. Total expenditure under the recurring and the non-recurring categories for the State Election Commission, State Finance Commission and the District Planning Committee works out to Rs. 19,45,800 and Rs. 19,00,000 (Annexure - III II 1) which has already been reflected in the Goa Panchayat Bill, 1993.

ANNEXURE I

CONSTITUTION OF DISTRICT PLANNING COMMITTEE

(For both the Districts)

Particulars	Expenditure (Approximate)	
	Recurring	Non-Recurring
A. Recurring Costs		
A.1 Honorarium of Chairman	Rs. 1000×12×2	Rs. 24,000/-
A.2 Honorarium of Vice-Chairman	Rs. 800×12	Rs. 19,000/-
A.3 (a) Accountant (2)	Rs. 86,928/-	
(b) Superintendent (2)	Rs. 84,000/-	
(c) Stenos (2)	Rs. 2500×12×2	Rs. 60,000/-
(d) Drivers (2)	Rs. 2000×12×2	Rs. 48,000/-
(e) Peons (2)	Rs. 1600×12×2	Rs. 30,400/-
B. Non-Recurring Cost		
B.1 Premises		Rs. 5,00,000/-
B.2 Vehicle×2		Rs. 3,00,000/-
B.3 Furniture and Fixtures + Telephone		Rs. 8,00,000/-
		<u>Rs. 3,60,000/-</u>

ANNEXURE II

CONSTITUTION OF FINANCE COMMISSION

Expenditure (Approximate)		
	Recurring	Non-Recurring
1. Towards salary and allowances of Finance Commissioner	Rs. 7000×12	Rs. 84,000/-
2. Towards salary & allowance of Dy. Finance Commissioner	Rs. 6000×12	Rs. 72,000/-
3. Towards salaries of staff of Finance Commissioner:		
(i) Asstt. Accts. Officer	Rs. 5000×12×2	Rs. 1,20,000/-
(ii) Sr. Steno (1)	Rs. 2900×12	Rs. 34,000/-
(iii) Superintendent (1)	Rs. 3500×12	Rs. 42,000/-
(iv) Head Clerk (2)	Rs. 2900×12×2	Rs. 69,600/-
(v) U. D. C's (3)	Rs. 2500×12×3	Rs. 90,000/-
(vi) Peons (2)	Rs. 1600×12×2	Rs. 38,400/-
(vii) L. D. C's (3)	Rs. 2000×12×3	Rs. 72,000/-
(viii) Driver (2)	Rs. 2000×12×2	Rs. 48,000/-
(ix) Sweepers (1)	Rs. 1600×12	Rs. 18,400/-

4. Towards cost of 1 car for the Commissioner	Rs. 2,00,000/-
5. Towards cost of 1 Jeep for Dy. Commissioner	Rs. 2,50,000/-
6. Towards rent of office of F. C. & Dy. E. C.	Rs. 84,000/-
7. Towards Office furniture	Rs. 1,00,000/-
8. Towards telephones, electricity, postages, petrol, water, etc. for office of F. C.	Rs. 48,000/-
Total	Rs. 8,21,200/-
	Rs. 5,50,000/-

ANNEXURE III

CONSTITUTION OF STATE ELECTION COMMISSION

Expenditure (Approximate)		
	Recurring	Non-Recurring
1. Towards salary & allowances of Election Commissioner	Rs. 7000×12	Rs. 84,000/-
2. Towards salary & allowances of Dy. Election Commissioner	Rs. 6000×12	Rs. 72,000/-

			Expenditure (Approximate)
			Recurring Non-Recurring
3. Towards salaries of staff of Elec. Commission:			
(i) Asstt. Acts. Officer (1)	Rs. 60,000/-		6. Towards rent of office of E. C. & Dy. E. C. Rs. 7000×12 Rs. 84,000/-
(ii) Sr. Steno (1) Rs. 2900×12	Rs. 34,000/-		7. Towards telephones, electricity, postage, water, petrol etc. for office of E. C. Rs. 48,000/-
(iii) Office Suptd. (1) Rs. 3500×12	Rs. 42,000/-		8. Towards office furniture Rs. 1,00,000/-
(iv) Head Clerk (2) Rs. 3000×12×2	Rs. 72,000/-		Total Rs. 7,64,600/- Rs. 5,50,000/-
(v) U.D.C's (3) Rs. 2500×12×3	Rs. 90,000/-		
(vi) L.D.C's (3) Rs. 2000×12×3	Rs. 72,000/-		
(vii) Peons (2) Rs. 1600×12×2	Rs. 38,400/-		Panaji, 19th November, 1993. CARMO PEGADO Minister for Urban Development
(viii) Driver (2) Rs. 2000×12×2	Rs. 48,000/-		Assembly Hall, Panaji, 24th November, 1993. ASHOK B. ULMAN Secretary to the Legislative Assembly of Goa
(ix) Sweeper (1) Rs. 1600×12	Rs. 18,400/-		
4. Towards cost of one car for Commissioner		Rs. 2,00,000/-	
5. Towards cost of one jeep for Dy Commissioner		Rs. 2,50,000/-	

Governor's recommendation under Article 207 of the Constitution:

In pursuance of Article 207 of the Constitution the Governor of Goa has recommended to the Legislative Assembly of Goa the introduction and Consideration of the Goa Municipalities (Amendment) Bill, 1993.

Notification

LA/B/4449/1993

Report of the Select Committee on Bill No. 20 of 1993 — The Goa Public Libraries Bill, 1993 alongwith the Bill as amended by the Select Committee which was presented to the Legislative Assembly of Goa on 22nd November, 1993, is hereby published for general information in pursuance of the provisions of Rule 231 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

Panaji, 25th November, 1993.

A

BILL

to provide for the establishment, maintenance and development of Public Libraries in the State of Goa and for matter ancillary thereto.

COMPOSITION OF THE SELECT COMMITTEE

CHAIRMAN

Shri Domnick Fernandes.

MEMBERS

1. Smt. Shashikala G. Kakodkar.
2. Smt. Farrel Furtado e Gracias.
3. Dr. Kashinath G. Jhalmi.
4. Shri Manuel Fernandes.
5. Shri Victor Gonsalves.
6. Shri Radharao Gracias.
7. Shri Vinayak Naik.

SECRETARIAT

1. Shri A. B. Ulman — Secretary, Legislature.
2. Shri U. M. Desai — Under Secretary, Legislature.
3. Shri N. B. Subhedar — Assistant, Legislature.

GOVERNMENT REPRESENTATIVES

1. Shri B. S. Subbanna — Law Secretary.
2. Shri M. V. Naik — Director of Art & Culture.

REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which Bill No. 20 of 1993 — The Goa Public Libraries Bill, 1993 (A Bill to provide for the establishment, maintenance and development of Public Libraries in the State of Goa and for matters ancillary thereto) was referred, having been authorised by the Committee to submit the report on its behalf, present this report along with the Bill as recommended by the Committee.

2. The Bill was introduced in the Legislative Assembly on 16-7-1993 and was referred to Select Committee on 23-7-1993.

3. The Committee held three sittings viz. on 7-9-1993, 8-10-1993 and 12-11-1993. The Select Committee in its Preliminary meeting held on 7-9-1993 decided to get the Identical Acts passed in other State Legislatures.

4. The Committee visited Trivandrum (Kerala), and Madras (Tamil Nadu) to study the Libraries set up, constitutional functionings and to acquaint with the workings of the libraries and other related aspects in these States. During the tour the Committee visited the State Libraries, Legislature Libraries and other Public Libraries both in Kerala and Tamil Nadu States. The Committee was satisfied with the functioning of these Libraries and acquainted with the valuable informations which Committee felt necessary to incorporate in the Goa Public Libraries Bill. The Committee found that many of the Libraries in these States are run by Voluntary Organisations and with the support of the local people in the form of premises, donations of books and voluntary workers.

The Committee has also found that in these States a Library cess is collected in the form of a surcharge on the building tax or the property tax for the better development, maintenance and promotion of Public Libraries in the State. Therefore the Committee felt that such a provision should also be made in the State of Goa for the better prospects of Public Libraries in Goa.

The Committee is thankful to Shri J. M. James, Secretary, Kerala Legislative Assembly, Thiru C. S. Janakiraman, Secretary Tamil Nadu Legislative Assembly, Chairman of the Granthasala and other office bearers of the Kerala and Tamil Nadu, Public Libraries, for their valuable information and arranging the meetings and visits to the various Libraries in Kerala and Tamil Nadu States.

4. In the meeting held on 8-10-1993 the Committee after going through the comparative statements of the Identical Acts passed in other States Legislatures, scrutinized the provisions of the Bill clause by clause. In respect of amendments proposed to certain clauses, which have been accepted by the Committee are enumerated in the following paragraphs.

5. *Recommendations:*

CLAUSE 2

In Sub-Clause (b) The Committee decided that instead of State Library Authority there should be constitution of State Library Council. Therefore in Sub-Clause (b) the word "Authority" is deleted and the word "Council" is substituted and also wherever it appears in the Bill.

In clause 2 a new sub-clause (c) is inserted to define the word "document" which is to be read as follows:

(c) "document" means embodied thought, i.e. record of work on paper or other material, fit for physical handling, transport across space, and preservation through time, and includes the following conventional and non-conventional thought embodiments, printed books, manuscripts, braille stenographs, music in notation; ciphers, (where graphic is phonetic symbols) drawings, pictures, maps, micro-films, micro-cards, micro-fiche, cassettes, audio-visual documents, floppy discs (non-book material) newspapers, periodicals and other serial documents.

The existing sub-clause (c) is deleted and sub-clause (d) is replaced and in item (i) of the proposed sub-clause a word "document" is inserted after the words "division of a volume".

The existing sub-clauses (d), (e), (f), (g), (h), (i), (j) are replaced by sub-clauses (e), (f), (g), (h), (i), (j) and (k) respectively.

In the proposed sub-clause (g) after the words "Government of" add the words "the State of"

CLAUSE 3

The Committee is of the opinion that the item (c) of the sub-clause 2 is to be substituted in place of item (a) and item (a) is to be substituted in place of item (c).

In sub-clause (2) after the item (i) the Committee suggested that new items as items (j), (k), (l), (m), (n), (o) are to be added in order to strengthen the Public Libraries movements and starting more Libraries like Prison Libraries, Hospital Libraries for patients, Home delivery Libraries, Mobile Libraries, Audio Libraries for blind and special Libraries for hearing impaired etc., since the Committee found that these type of Library services are prevailing in the Tamil Nadu and Kerala State and are very helpful to strengthen and promote development of Libraries in the State. Therefore in sub-clause (2) after the item (i) following items are added:—

(j) Strengthen and start the Libraries like Prison Libraries, Hospital Libraries for patients and home delivery Libraries;

(k) Promote Mobile Libraries, Audio Libraries for blind and Special Libraries for hearing impaired Text Book Library, Children Library, Computerization, Micro-Filming of rare documents;

(l) make special efforts to create the love for books in the masses and specially in children and the youth;

(m) promote the practice of adoption of Libraries by the public undertakings sectors like banks;

(n) make compulsory enrolment of every student in the Public Libraries on reaching standard eight;

(o) compulsorily require to produce enrolment/membership certificate of the Public Libraries by the unemployed youth during the registration in the Employment Exchange for those jobs where literacy is required.

In item (b) of sub-clause (3) the Committee is in favour of constituting "the State Library Development Cell" instead of "Directorate of Libraries". Therefore in item (b) the words "Directorate of Libraries" are deleted and the words "the State Library Development Cell" are added.

CLAUSE 4

In this clause the Committee is in favour of constituting and establishing the "Council" instead of "Authority", so the word "Authority" is substituted by the word "Council" and also wherever the word "Authority" appears in the Bill is substituted by the word "Council".

In item (i) of sub-clause (2) the sub-items (d), (e), (f), (g), (i), (j), (m) and (o) are deleted since the Committee is in favour of having limited members in the Council. Therefore the sub-items (h), (k), (l) and (n) are to be read as sub-items (d), (e), (f) and (g).

In item (ii) of sub-clause (2) for the words "a member" the words "Two members" are added and the words "nominated by the Government" are deleted and the words "elected by the Legislative Assembly of Goa;" are added.

In item (iii) the words "Three representatives from educational institutions, one each from College, Higher Secondary and High School, nominated by the Government;" are deleted and the words "One Member who is expert in library Science to be nominated by the Chairman of the Council;" are to be added.

In item (iv) the words "Not more than four non-official members having special knowledge of libraries or eminent citizens to be nominated by the Chairman of the Authority;" are deleted and the words "One Member of the voluntary organisation involved in the library and literature" are added.

Item (v) is deleted.

New sub-clause (4) is added and is to be read as "The Council shall advise the State Library Development Cell in all technical matters relating to the Library, development and organisation."

The existing sub-clause (4) is to be read as "sub-clause (5)" and the words "once" is deleted and "twice" is added and the words "but not more than six months shall intervene between two meetings." are added after the words "in a year".

The existing sub-clause (5) is to be read as sub-clause (6) and the words "during the pleasure of the Government provided that his term of office shall not exceed four years from the date of his nomination" are deleted and the words "for the period of four years" are added.

The existing sub-clause (6) is to be read as sub-clause (7) and the word "Whenever" is deleted and the word "when" is added and after the words "acting as a member" the words "except the member referred to in item (ii) of sub-section (2) of Section-4" are inserted, instead of the words "other member" the words "any other person" is substituted.

The existing sub-clause (7) is to be read as sub-clause (8).

CLAUSE 5

This clause is deleted as the Committee is of the opinion to make only one body under State Library Council instead of separate "Standing Advisory Committee".

CLAUSE 6

The existing clause 6 is to be read as clause 5 and the word "Directorate" is to be replaced by the words "Development Cell" and also wherever it appears in the Bill. Therefore the heading of the proposed clause 5 is to be read as "State Library Development Cell".

In sub-clause (2) the words "The Director of State Library" are substituted by the words "The Head of the State Library Development Cell" and the words in the bracket "hereinafter called the Director" is substituted by the words "State Librarian/Curator" and after the words "State Librarian/Curator" shall add the words "be a person with a First Class Masters Degree in Library Science of a recognised University having an experience of at least 10 years as Grade I Librarian in the State Libraries/Subordinate Libraries" in the place of "have adequate academic and professional Qualifications" which are to be deleted. And after the word "Government" the words "and will have the rank of Head of Department" are deleted.

The Committee decided to delete the sub-clause (3).

The existing sub-clause (4) is to be read as sub-clause (3) and the word "Director" is to be replaced by the words "State Librarian/Curator".

In sub-item (ii) of item (d) of sub-clause (3) after the word "grant-in-aid" the words "scheme for" is to be added and the word "to" is to be deleted.

CLAUSE 7

The existing clause 7 is to be read as clause 6. Here the Committee is of the opinion to delete the word "Central" and to keep the words "State Library". Therefore wherever the words "State Central Library" appears in the Bill it is to be read as "State Library".

CLAUSE 8

The existing clause 8 is to be read as clause 7, and the word "acquired" is to be replaced by the word "obtained" and after the words "for compulsory acquisition of" add the words "two copies of" and in the same line after the word "books" add the words "of every author".

CLAUSE 9

The existing clause 9 is to be read as clause 8 and the words "State Librarian" is to be read as "State Librarian/Curator" and also wherever it appears in the Bill.

CLAUSE 10

The existing clause 10 is to be read as clause 9 i. e. as "Department of State Library".

CLAUSE 11

The existing clause 11 is to be read as clause 10. The words "State Librarian" is deleted and the words "Officer in charge of the State Library" is added and in sub-clause (1) add the words "The head of the State Library Development Cell shall also be" and delete the words "shall be known as the State Librarian/Curator having adequate academic and professional qualifications", and new items as (a), (b), (c) and (d) are added which are to be read as follows:

- (a) be responsible for the management of all the departments of the State Library;
- (b) maintain the stock of books and conduct all approved activities of the State Library;
- (c) advice the Council on all technical matters;
- (d) submit to the Council a report on the working of the Library during the previous financial year, which report shall also include the detailed statement of receipts and expenditure on account of the State Library.

The sub-clauses (2), (3) and (4) are deleted and sub-clause (5) is to be read as sub-clause (2).

CLAUSE 12

The existing clause 12 is to be read as clause 11. In the sub-clause (2) in item (b) after the words "Taluka Library" add the word "and" and in item (c) after the words "Village Library" delete the word "and" and also item "(d)" is deleted.

CLAUSE 13

The existing clause 13 is to be read as clause 12.

CLAUSE 14

The existing clause 14 is to be read as clause 13.

CLAUSE 15

The existing clause 15 is to be read as clause 14.

CLAUSE 16

The existing clause 16 is to be read as clause 15.

CLAUSE 17

The existing clause 17 is to be read as clause 16.

NEW CLAUSE 17

The Committee is to the opinion that new clause as clause 17 is to be inserted under the heading "Library Fund" along with the sub-clauses (1) and (2) and the items (a), (b), (c) and (d) which are to be read as follows:—

Clause 17 Library Fund. — (1) The Government shall constitute a fund called "Library Fund."

(2) The Library Fund shall consist of—

- (a) Contribution made by the Government;
- (b) Any grants given by the Government of India to the Government for development of Public Library;
- (c) Any special grant given by the Government;
- (d) Any contribution of gifts made by the public for the development of Public Libraries.

**** NEW CLAUSE 18**

The New Clause, as clause 18, is to be inserted under the heading "Library Cess" as the Committee felt that levy of Library Cess is very much necessary for the development and promotion of Public Libraries in the State of Goa. Therefore the Committee felt that a Cess is to be collected on the Excise Duty on (IMFL) i. e. Indian Made Foreign Liquor. Accordingly the Committee recommends to levy a surcharge on the Excise Duty for the collection of Library Cess at the rate of Re. 0.50 (paise fifty only) per proof litre of the Indian Made Foreign Liquor and at the rate of Re. 0.50 (paise fifty only) per bulk litre of beer. Therefore the new clause 18 is to be read as follows:—

Clause 18 Library Cess. — (1) The Government shall levy a library cess in the form of a surcharge on the Excise Duty payable under Goa Excise Duty Act 1964 at the rate of Re. 0.50 (paise fifty only) per proof litre of the (I.M.F.L.) Indian Made Foreign Liquor and at the rate of Re. 0.50 (fifty paise only) per bulk litre of beer.

(2) The cess levied under sub-section (1) shall be collected to utilise for the purpose of implementation of this Act by the Government.

** The minute of Dissent from Dr. K. G. Jhalmi pertaining to this clause has been appended to the Report (Annexure 'A').

CLAUSE 18

The existing clause 18 is to be read as clause 19 under the heading "Public Library Finance". Here in the sub-clause (1) The Committee is of the opinion that 1% of the Education Budget to be provided to promote the Public Library Services in the State of Goa. Therefore in sub-clause (1) after the words "work of the plan" add the words "and shall provide one percent of the Education Budget for promoting the Service of Public Libraries in the State". This clause as amended is to be read as follows:

Clause 19. Public Library Finance. — (1) The Government shall frame the annual budget of Public Libraries in the State within the broad frame work of the plan, and shall provide 1% of the Education Budget for promoting the service of Public Libraries in the State.

CLAUSE 19

The existing clause 19 is to be read as clause 20.

CLAUSE 20

The existing clause 20 is to be read as clause 21.

CLAUSE 21

The existing clause 21 is to be read as clause 22.

This report was considered and adopted by the Committee.

The Committee is thankful to the Law Secretary, Director, Art and Culture, Officers and staff of the Legislature Secretariat for their active co-operation.

Assembly Hall,

DOMNICK FERNANDES

Panaji, 22nd November, 1993.

Chairman

Note: Deletions made by the Select Committee are shown in square brackets and additions and substitutions made are underlined.

The Goa Public Libraries Bill, 1993

(Bill No. 20 of 1993)

A

BILL

to provide for the establishment, maintenance and development of public Libraries in the State of Goa and for matters ancillary thereto.

Be it enacted by the Legislative Assembly of Goa in the Forty fourth year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Public Libraries Act, 1993.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,— (a) “Aided Library” means a public library run by private initiative, receiving State Government assistance as per existing rules;

(b) [“Authority”] “Council” means the State Library [Authority] Council constituted under sub-section (1) of section 4;

(c) “document” means embodied thought, i. e. record of work on paper or other material, fit for physical handling, transport across space, and preservation through time, and includes the following conventional and non-conventional thought embodiments; printed books, manuscripts, braille stenographs, music in notation, ciphers, (where graphic is phonetic symbols) drawings, pictures, maps, micro-fils, micro-cards, micro-fiche, cassettes, audio-visual documents, floppy discs (non-book material) newspapers, periodicals and other serial documents.

[(c)] (d) “book” includes—

- (i) every volume, part or division of a volume, document be it a printed work or a manuscript or a micro-film, or a video/audio cassette or a photograph or a compact disc;
- (ii) every sheet of music, chart or plan separately printed or lithographed;
- (iii) newspapers, periodicals and other such materials.

[(d)] (e) “book service” means reference service, lending out books to members of Public Libraries, helping groups with books, helping people to know the whereabouts of a book or books, and helping them to procure the books they need.

[(e)] (f) "Departmental Library" means a library maintained by a Department of the Government;

[(f)] (g) "Government" means the Government of the State of Goa;

[(g)] (h) "Public Library" means a library, which permits members of the public to use it for reference or borrowing without charging fee or subscription;

[(h)] (i) "reference service" means assistance from the library staff to the reader or user of the library to enable him to know, locate and consult books and other materials and to secure from such books and materials information relevant to this purpose;

[(i)] (j) "State" means the State of Goa;

[(j)] (k) "Year" means the financial year.

3. *Establishment of Library Service.* — (1) The Government shall establish, maintain and develop Library Service in the State.

(2) For carrying out the purpose of sub-section (1), the Government may,—

(a) [acquire for its Public Library sufficient number of books;] promote reading habit and the use of books for the benefit of the people;

(b) offer in its Public Library an adequate book, and reference service;

(c) [promote reading habit and the use of books for the benefit of the people;] acquire for its Public Library sufficient number of books;

(d) establish and sponsor organisations and institutions with a view to promote public interest and participation in the Public Library;

(e) give adequate library service to all Government Departments and Offices subordinate or attached to these Departments;

(f) provide library training facilities to ensure adequately trained personnel for libraries in the State;

(g) provide or secure suitable conditions of service for the library personnel in the State;

(h) promote co-operation between the Public Libraries and cultural and educational Institutions;

(i) promote production and publication of useful literature;

(j) Strengthen and start the Libraries like prison libraries, hospital libraries for patients and home delivery libraries;

(k) promote mobile libraries, audio libraries for blind and special libraries for hearing impaired Text book library, children library, computerization, Micro-filming of rare documents;

(l) make special efforts to create the love for books in the masses and specially in children and the youth;

(m) promote the practice of adoption of libraries by the public undertakings sectors like Banks;

(n) make compulsory enrolment of every student in the Public Libraries on reaching standard eighth.

(o) compulsorily require to produce enrolment/membership certificate of the Public Libraries by the unemployed youth during the registration in the Employment Exchange for those jobs where literacy is required.

(3) The Government shall discharge its functions and responsibilities under this section through —

(a) The State Library [Authority;] Council;

(b) [Directorate of Libraries;] The State Library Development Cell;

(c) The State Public Library; and

(d) The co-operating Institutions.

4. Constitution and establishment of [authority] Council. — (1)

With effect from such date as the Government may, by notification, specify in this behalf, the Government shall establish, for the purpose of this Act, [an authority] a Council to be known as State Library [Authority] Council, with headquarters as such place as the Government may specify.

(2) The [Authority] Council shall consist of —

(i) the following ex-officio members: —

(a) The Minister-in-charge of libraries who shall be the Chairman;

(b) the Secretary, Education;

(c) the Secretary, Finance;

[(d) the Secretary, Social Welfare;]

[(e) the Secretary, Municipal Administration;]

[(f) the Secretary, State Development and Panchayat Department;]

[(g) the Vice-Chancellor, Goa University;]

[(h)] (d) the Chairman or President, State Library Association;

[(i) Director, Directorate of Education;]

[(j)] Director, Directorate of Art & Culture;]

[(k)] (e) Curator/State Librarian; who will be the Member Secretary;

[(l)] (f) Directorate of Historical Archives and Archaeology;

[(m)] [President of Goa Chamber of Commerce and Industry;]

[(n)] (g) Librarian, Goa University;

[(o)] Director, Directorate of Libraries who will be the Secretary]

(ii) [a Member] Two Members of the State Legislative Assembly interested in Library development to be [nominated by the Government;] elected by the Legislative Assembly of Goa.

(iii) [Three representatives from educational institutions, one each from College, Higher Secondary and High School, nominated by the Government;] One Member who is expert in library Science to be nominated by the Chairman of the Council;

(iv) [Not more than four non-official members having special knowledge of libraries or eminent citizens to be nominated by the Chairman of the Authority;] One Member of the voluntary organisation involved in the Library on literature.

(v) Two readers representatives nominated by the Government]

(3) The [Authority] Council shall advise the Government on all matters mentioned under section 3 and also in regard to promotion and development of Library service in the State.

(4) The Council shall advise the State Library Development Cell in all technical matters relating to the Library, development and organisation.

[(4)] (5) The [Authority] Council shall meet at least [once] twice in a year, but not more than six months shall intervene before two meetings.

[(5)] (6) A nominated member of the [Authority] Council shall hold office [during the pleasure of the Government provided that his term of office shall not exceed four years from the date of his nomination] for the period of four years.

[(6)] (7) [whenever] when any member dies, resigns, becomes incapable of acting as a member except the member referred to in item (ii) of sub-section (2) of Section-4 or is otherwise removed, the Government may nominate [other member] any other person for the unexpired period of the term of such member.

[(7)] (8) The [Authority] Council shall frame regulations for transacting its business and matters in respect of which regulations are to be framed by it under this Act and may appoint Committees.

[5. Standing Advisory Committee.] — (1) Within a month of the Constitution of the Authority an eleven members Standing Advisory Committee shall be constituted of which eight members will be nominated by the Chairman of the Authority from amongst the members of the Authority and the Secretary, Department of Libraries, the Director, State Library Directorate and the State Librarian shall be ex-officio members.

(2) The Chairman of the Authority shall nominate any member of the Standing Advisory Committee to be its Chairman and the Secretary of the Authority shall also be the Secretary of the Standing Advisory Committee.

(3) A member of the Standing Advisory Committee shall cease to hold office when he ceases to be a member of the Authority.

(4) The functions of the Standing Advisory Committee shall be: —

(i) to advise the State Library Directorate in all technical matters relating to the library, development and organisation.

(ii) to make recommendations to the authority on matters relating to the promotion and development of library service in the State.]

[6.] 5. State Library [Directorate] Development Cell.] — (1) The Government shall constitute a State Library [Directorate] Development Cell which shall be a department of the Government. The functions of the State Library [Directorate] Development Cell shall be as follows: —

(a) to prepare the annual as well as short or long term plan for libraries in the State in co-operation with the development and other concerned departments of the Government and of the Central Government;

(b) to prepare and publish descriptive and statistical reports on the working of all the Public Libraries;

(c) to arrange or to secure training of various categories of library employees;

(d) to conduct inspection of and render advisory service to the district taluka and other libraries in the State;

(e) to administer the system of grant-in-aid to the aided libraries, and to undertake their inspection.

(2) [The Director of State Library] The Head of the State Library Development Cell (hereinafter called the [Director] State Librarian/Curator shall [have adequate academic and professional qualifications] be a person with a First Class Masters Degree in Library Science of a recognised University having an experience of at least 10 years as Grade I Librarian in the State Libraries/Subordinate Libraries and shall be appointed by the Government. [and will have the rank of Head of Department]

[3) The State Library Directorate shall have staff with adequate qualifications and training.]

[4] (3) The [Director] State Librarian/ Curator shall perform the following duties: —

- (a) he shall participate in all meetings of the [Authority] Council and the Committees which may be set up by the [Authority.] Council;
- (b) he shall be responsible for carrying out such of the recommendations of the [Authority] Council as have been approved by the Government;
- (c) he shall perform such other duties as may be prescribed in the regulations made by the [Authority] Council.
- (d) subject to any rules made by the Government [Directorate;] State Library Development Cell:
 - (i) shall be responsible for implementing the programme of work for the year as approved by the [Authority] Council;
 - (ii) shall administer the grant-in-aid Scheme for [to] aided libraries;
 - (iii) shall decide where district and other libraries in the State are to be set up and approve the constitution and bye-laws of a Public Library;
 - (iv) may absorb an aided library into the Public Library of the State..

[7] 6. State [Central] Library.— The Government shall by an order establish a State [Central] Library located in the State.

[8] 7. Book Stock of the State [Central] Library.— (1) The stock of books in the State [Central] Library shall consist of books [acquired] obtained through any legislation, for the time being in force providing for compulsory acquisition of two copies of books of every author published in the State, books acquired otherwise by purchase, exchange, gifts and bequests and its own publications.

(2) Materials in the State [Central] Library may also include films, filmstrips, slides tape and gramophone records, maps, charts, bulletins, photos, pictures, compact disc.

[9] 8. Certain Volumes to be delivered to State Librarian Curator.— (1) The Head of a department in the Government shall deliver to the State [Central] Library all books in his office no longer needed there, but which in the opinion of the State Librarian/Curator will be of use in the State [Central] Library.

(2) All books and other materials which have to be purchased by the State Librarian/Curator shall only be purchased on the advice of a Book Selection Committee to be constituted by the [Authority] Council.

[10] 9. Department of State [Central] Library.— (1) The State [Central] Library shall have at least two sections, viz, State Reference Library Section and the State Lending Library Section.

(2) The functions of the State Reference Library Section shall be as follows:—

- (a) to maintain a representative collection of reference books and publications such as those mentioned in clause (b) of sub-section (2) of section 3;
- (b) to procure and maintain in a readily available manner all books, reports, especially the reports of the House of Parliament and the State Legislative Assembly and Central and State Governments reports and publications together with their indices as well as other reference materials needed for consultation;
- (c) to maintain a catalogue of the important academic libraries in the State;
- (d) to undertake bibliographical work, including special bibliographies for the use of scholars and research workers, and to prepare useful catalogues and bibliographies in the regional languages;
- (e) to offer, in co-operation with departmental and research libraries, book and bibliographical service to institutions, groups and individuals engaged in higher studies and research;
- (f) to promote library service for children;
- (g) to organise library conferences and book exhibitions;
- (h) to provide technical assistance and information to the district and other librarians in the State;
- (i) to act as the centre of book exchange and inter-library lending within and outside the State;
- (j) to prepare and issue reports on the working of libraries, especially the public libraries in the State.

(3) The State Reference Library shall not lend books for use outside the premise of the library.

(4) The functions of the State Lending Library Section shall be as follows:—

- (a) to render home-lending service;
- (b) to replenish from time to time the stocks of district libraries.
- (c) to give book service to cultural and educational institutions and social welfare organisations;
- (d) to arrange book-exhibitions and book displays on suitable occasions;
- (e) to publicise its book-stock and to arrange for extension service;
- (f) to publish library reports and literature;

[11] 10. [State Librarian] Officer in charge of the State Library.—

(1) The head of the State Library Development Cell shall also be [The] the officer in Charge of the State [Central] Library [shall be known as the Curator/State Librarian having adequate academic and professional qualifications.], and who shall:

- (a) be responsible for the management of all the departments of the State Library;
- (b) maintain the stock of books and conduct all approved activities of the State Library;
- (c) advise the Council on all technical matters;
- (d) submit to the Council a report on the working of the Library during the previous financial year, which report shall also include the detailed statement of receipts and expenditure on account of State Library.

[(2) the State Librarian shall be appointed by the Government]

[3] The State Librarian shall;—

- (a) be responsible for the management of all the departments of the State Central Library;
- (b) maintain the stock of books and conduct all approved activities of the State Central Library;
- (c) advise the Authority on all technical matters;
- (d) submit to the Director, a report on the working of the Library during the previous financial year, which report shall also include the detailed statement of receipts and expenditure on account of the State Central Library.]

[4] The State Librarian shall be subordinate to the Director.—]

[5] (2) The State Librarian shall be assisted by professional, technical and general staff running the State [Central] Library.

[12.] 11. *The District Library.*—(1) There shall be a District Library in each District rendering book service to the residents of a District.

(2) In addition to the District Library under sub-section (1), there shall also be the following types of Libraries, namely:—

- (a) Municipal Library
- (b) Taluka Library and
- (c) Village Library [and]
- (d) Smaller book deposit Centres]

[13.] 12. *Functions of a District Library.*—The functions of a District Library shall be as follows:

- (a) to provide reference and bibliographical service in the district;
- (b) to extend library service in the urban and rural areas by setting up taluka branch libraries mobile libraries and deposit centres and to extend similar service in the district through the various taluka libraries and other library units;
- (c) to feed taluka libraries with supply of suitable books;
- (d) to co-operate with and help the aided libraries in the district in accordance with the instructions of the [Director] State Librarian/Curator;
- (e) to co-operate with other institutions and groups especially the social, educational institutions and workers, in promoting adult education and library mindedness among the people;
- (f) to arrange conferences, camps and seminars of librarians and other library workers in the district.

[14.] 13. *District Library Committee.*—(1) There shall be a district library committee for each District Library in the State which shall be constituted in accordance with such regulations as may be framed by the [Authority] Council.

(2) The District Library Committee shall, subject to the approval of the authority, frame its rules of business and procedure for carrying out the functions of the District Library.

(3) The functions of a District Library Committee shall be as follows:—

- (a) to supervise the work of the District Library and the various library units;
- (b) to start branch libraries;

- (c) to take all necessary steps to develop public library service in the district;
- (d) to employ in accordance with the regulations framed by the authority, staff for the District Library;
- (e) to make provisions for purchase of books, films, film-strips, records, furniture, equipment, book-mobile and other material for the District Library;
- (f) to acquire, purchase or hire land or other properties and effects, and build, alter, repair and extend buildings and fit up and furnish the same with requisite furniture, fittings and conveniences;
- (g) to accept any endowment, bequest or gift for the purpose of promotion and development of library service as envisaged in this Act;
- (h) to organise or participate in conferences and exhibitions relating to libraries and spend such sum as may be reasonable in connection with such conferences and exhibitions and depute any person or persons to attend any such conference or exhibition;
- (i) to provide accommodation for lectures and other cultural and educational activities of short duration in the premises of libraries in the District Library;
- (j) to arrange library timings provided that the number of hours of daily service to the public shall not be less than the minimum laid down by the Authority;
- (k) to extend library service in its area by setting up branch libraries, mobile libraries and deposit centres.

(4) If any question arises whether a particular matter is or is not within the purview of power of district or any other library committee the decision of the [Authority] Council thereon shall be final.

(5) The District Library Committee shall meet as often as the Chairman thereof may decide to summon it, but preferably at least four times a year.

[15] 14. *Taluka Library Committee.* — (1) There shall be Taluka Library Committee for each Taluka Library and its constitution and functions shall be such as may be laid down in rules framed by the District Library Committee concerned.

(2) The Taluka Library Committee shall, subject to the approval of the District Library Committee concerned, frame its rules of business and procedure.

[16] 15. *Village Library Committee.* — (1) There shall be a Village Library Committee for each Village Library and its constitution and functions shall be such as may be laid down in rules framed by the District Library Committee concerned.

(2) The Village Library Committee shall, subject to the approval of the District Library Committee concerned, frame its rules of business and procedure.

[17] 16. *Employees of the Public Library.* — (1) The Government shall create cadres for Public Library employees similar to those of the employees of Government Departments and lay down the qualifications and the other terms and conditions of service for those cadres.

(2) Within a year of its first constitution, the [Authority] Council shall frame service rules for the various categories of library employees.

17. Library Fund. — (1) The Government shall constitute a fund called Library Fund.

(2) The Library Fund shall consist of — (a) Contribution made by the Government;

(b) Any grants given by the Government of India to the State Government for Development of Public Library;

(c) Any special grant given by the Government;

(d) Any contribution of gifts made by the public for the development of Public Libraries.

18. Library Cess. — (1) The Government shall levy a library cess in the form of a surcharge on the Excise Duty payable under Goa Excise Duty Act 1964 at the rate of 0.50 (paise fifty only) per proof litre of the (I.M.F.L.) Indian Made Foreign Liquor and at the rate of Re. 0.50 (paise fifty only) per bulk litre of beer.

(2) The cess levied under sub-section (1) shall be collected to utilise for the purpose of implementation of this Act by the Government.

[18] 19. Public Library Finance. — (1) The Government shall frame the annual budget of Public Libraries in the State within the broad framework of the plan, and shall provide one percent of the Education Budget for promoting the service of Public Libraries in the State.

[19] 20. Framing of Rules and Regulations. — The [Authority] Council shall prepare model bye-laws, rules and regulations regarding the administration of library service in the State.

[20] 21. State Library Association. — (1) [Authority] Council shall recognise only one State Library Association as Cooperating Institution, the constitution of which shall be approved by the [Authority] Council.

[21] 22. Power to make Rules. — (1) Government may by notification make rules for carrying out the purpose of this Act.

(2) Every rule made under this Section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rules or the House agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or amendment shall be without prejudice to the validity of anything previously done under this rule.

(ANNEXURE "A")

NOTE OF DISSENT

I do agree in principle to the various provisions made in the above Bill. I also agree to the principle of levy of Library Cess. However, no where in the country the Library Cess is levied as surcharge on excise duty. The practice in Tamil Nadu, where the Library Legislation is very much progressive is that the Library Cess is collected as surcharge on property tax or on buildings in the respective Municipality and Panchayat areas.

Library administration has got nothing to do with IMFL i.e. Indian Made Foreign Liquor or any other type of liquor. Library is considered to be a place for all round development of an individual and as such, has got high heritage and prestige.

In my opinion, Association of Library Cess with liquor is detrimental to this high heritage and prestige. I therefore do not agree to the provisions of clause 18 of the Report of the Select Committee on Bill No. 20 of 1993 — The Goa Public Libraries Bill, 1993.

This note shall form part of the Report.

Sd/-

Panaji,
22-11-1993.

(Dr. K. G. Jhalmi) MLA
Member of the Select Committee